IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY NINTH DAY OF AUGUST
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 18663 of 2005

Between:

Reckitt Benckiser (India) Limited,

a Company incorporated under the Companies Act, 1956,

having its registered office
and its Corporate Office at Enkay Centre,

2nd Floor, Vinijya Nikunj, Udyog Vihar,

Phase - V, Gurgaon - 122 016,
Haryana, represented by its Head of Legal,

Ms. Payal Chawla Singh

..... PETITIONER

AND

The Controller of Weights and Measures,

208, PWD Building, Gandhinagar,

Hyderabad - 500 080 and 3 others

.....RESPONDENTS

ORDER:

Seeking a Mandamus, declaring that 'Mortein Mosquito' coil marketed by the petitioner, distributed and sold through its distributors, dealers, retailers, in cardboard carton package as a whole is 'pre-packed commodity' within the meaning of Section 2(1) of the Standards of Weights and Measures (Packaged Commodities) Rules, 1977; that the polythene pouch in which the insecticide product is packed as per the directions of the Central Insecticide Board, which is not offered or displayed for sale or distributed or delivered for the said purposes, does not require the printing/marking of the declarations under the Standards of Weights and Measures (Packaged Commodities) Rules, 1977 and consequently restrain the respondents, their officers acting through or under their instructions, from initiating any action against the petitioner, its agents, manufacturer, distributors, dealers and retailers, in respect of 'Mortein Power' Mosquito coil package, under the Standards of Weights and Measures Act, 1976, the Standards of Weights and Measures (Packaged Commodities) Rules, 1977 and the Standards of Weights and Measures (Enforcement) Act, 1985, the present writ petition is filed.

The brief facts that are necessary for disposal of the writ petition may be delineated as follows:

The petitioner is the manufacturing company of 'Mortein Power' mosquito coils. The petitioner is strictly following the provisions and rules made under Standard of Weights and Measures Act, 1976 (for short 'the SWM Act'), the Standards of Weights and Measures (Packaged Commodities) Rules, 1977 (for short 'the Packaged Commodities Rules') and the Insecticides Act, 1968 in manufacturing the said products and marketing the same in the public. While so, the 2nd respondent on 08.09.2000 inspected the premises of M/s.Mohan General Stores, Dharmavaram,

one of the marketing shop and issued a notice dated 16.10.2000 stating the petitioner is marketing the products in violation of Rule 4 and 9(3) of the Packaged Commodities Rules and also filed a complaint on the file of the Judicial First Class Magistrate, Dharmavaram. The 2nd respondent made contradictory statements on the panchanama and seized 10 packages and kept in his custody, which is not permissible to seize large quantify of packages. In this regard, the petitioner made a representation to the 1st respondent on 03.11.2004, but the 1st respondent has not passed any orders thereon. Hence the writ petition.

Heard the learned counsel on either side.

The learned counsel for the petitioner contended that appropriate decision has to be taken by the 1st respondent on the representation of the petitioner dated 03.11.2004.

Therefore, without expressing any opinion on merits, I deem it appropriate to disposed of the writ petition with a direction to the

1st respondent to take appropriate decision on the representation of the petitioner dated 03.11.2004 and pass necessary orders thereon in accordance with law, within a period of 6 (six) weeks from the date of receipt of a copy of this order.

Accordingly, the Writ Petition is disposed of. No order as to costs.

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K.C. BHANU,J

Dated: 29.08.2005

Dsr